

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**LABANDA LOYD,
Defendant.**

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CRIMINAL NO. 6:22-CR-00181-ADA

**UNITED STATES OF AMERICA'S UNOPPOSED
MOTION FOR ENTRY OF MONEY JUDGMENT**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and makes this Motion for Entry of Money Judgment, pursuant to Fed. R. Crim. P. 32.2(b)(1)(A) & (c)(1) and Title 21 U.S.C. § 853(p), and in support thereof says the following:

I.

On December 13, 2022, Defendant LABANDA LOYD pled guilty (Doc. 21) to Counts one and two of the Information (Doc. 1), which charged her with violations of Title 18 U.S.C. § 371 conspiracy to defraud the United States and Title 18 U.S.C § 1343 Wire Fraud.

The factual basis on record (Doc. 12) to which the Defendant stipulated and agreed established that as a result of the aforementioned violations, the following represents subject money judgment:

Money Judgment: A sum of money equal to \$18,286.00 which represents the value of the proceeds obtained from the violations charged in the Information for which Defendant LABANDA LOYD is liable,

hereinafter referred to as the Subject Money Judgment.

II.

Pursuant to Fed. R. Crim. P. 32.2(c)(1), ancillary proceedings are not required for money

judgments of forfeiture. *See* Fed. R. Crim. P. 32.2(c)(1), which provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment.”

As such, the effect of Fed. R. Crim. P. 32.2(c)(1) on a money judgment is tantamount to a Final Judgment of Forfeiture in cases where a criminal forfeiture consists only of a money judgment.

III.

Plaintiff, United States of America, moves the Court to find that the United States has proven by a preponderance of the evidence, by virtue of the Defendant guilty plea (Docs. 21) and the Factual Basis (Doc. 12) entered into the record that the Subject Money Judgment represents the value of the proceeds obtained from the violations of Title 18 U.S.C. § 371 and § 1343 by Defendant LABANDA LOYD.

Plaintiff, United States of America, further moves the Court for an entry of the Subject Money Judgment which forfeits all right, title, and interest of Defendant LABANDA LOYD in said Money Judgment.

IV.

Plaintiff, United States of America, further moves the Court to find that the Subject Money Judgment is a criminal monetary penalty under Condition(s) 14, 15, and 16 of the United States, Western District of Texas Conditions of Probation and Supervised Release.

Accordingly, Plaintiff, United States of America, further moves that should the Court assess a term of probation or supervised release, that Defendant LABANDA LOYD shall pay said money judgment in accordance with a schedule of payments established by the United States Probation Office to commence after all other criminal debt has been satisfied pursuant to Title 18

U.S.C. §§ 3612(c), 3663(c)(5), and 3664(j).

Accordingly, Plaintiff, United States of America, further moves that the Court order that Defendant LABANDA LOYD make payments by money order or certified check made payable to the Internal Revenue Service and shall include the case number of the instant cause on all money orders or certified checks, which in this case is 6:22-CR-00181-ADA, and said payments shall be sent to:

**United States Attorney's Office
Attn: Asset Forfeiture Unit
903 San Jacinto Blvd., Suite 334
Austin, Texas 78701**

V.

Plaintiff, United States of America, further moves the Court to order that, pursuant to Fed. R. Crim. P. 32.2(e); Title 21 U.S.C. § 853(p); and the guilty plea of Defendant LABANDA LOYD, the United States shall, at its option, be entitled to the forfeiture of any other property (substitute assets) owned by said Defendant equivalent to the value of the Subject Money Judgment.

VI.

Plaintiff, United States of America, further moves the Court to order that, pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), at the time of sentencing of Defendant LABANDA LOYD, the Subject Money Judgment be included in her Judgment in a Criminal Case.

WHEREFORE, PREMISES CONSIDERED, the United States of America respectfully moves this Honorable Court to grant this within Motion for Entry of Money Judgment.

Respectfully submitted,

JAIME EZPARZA
UNITED STATES ATTORNEY

By: /S/
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CERTIFICATE OF CONFERENCE

I hereby certify that on March 14, 2023, The United States conferred with the Defendant's counsel regarding this motion, and the Defendant does not object to this motion.

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Ashley Ali Askari
Federal Public Defender, TXW
510 Austin Avenue
Suite 1200
Waco, TX 76701
Email: ashley_askari@fd.org
LEAD ATTORNEY for LABANDA LOYD

/S/
MARK TINDALL
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
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**UNITED STATES OF AMERICA,
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CRIMINAL NO. 6:22-CR-00181

ORDER OF MONEY JUDGMENT

Pending before the Court is the United States of America's Motion for Entry of Money Judgment, pursuant to Fed. R. Crim. P. 32.2(b)(1)(A) & (c)(1) and Title 21 U.S.C. § 853(p). This Court being fully and wholly apprised in all its premises, finds that the United States has proven by a preponderance of the evidence that the money judgment described below represents the value of the proceeds obtained from violations of Title 18 U.S.C. § 371 and 1343 committed by Defendant LABANDA LOYD, by virtue of Defendant LABANDA LOYD's guilty plea (Doc. 21). This Court further finds that said money judgment is a criminal monetary penalty under Condition(s) 14, 15, and 16 of the United States, Western District of Texas Conditions of Probation and Supervised Release. Said motion is meritorious and should be, and hereby is, in all things GRANTED. IT IS THEREFORE

ORDERED that all right, title, and interest of Defendant LABANDA LOYD in the following:

Money Judgment: A sum of money equal to \$18,286.00 which represents the value of the proceeds obtained from the violations charged in the Information for which Defendant LABANDA LOYD is liable,

hereinafter referred to as the Subject Money Judgment be, and hereby is, FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that should the Court assess a term of probation or supervised release against Defendant LABANDA LOYD, said Defendant shall pay the Subject Money Judgment in accordance with a schedule of payments established by the United States Probation Office, to commence after all other criminal debt has been satisfied pursuant to Title 18 U.S.C. §§ 3612(c), 3663(c)(5), and 3664(j); and IT IS FURTHER

ORDERED that Defendant LABANDA LOYD make payments by money order or certified check made payable to the Internal Revenue Service and shall include the case number of the instant cause on all money orders or certified checks, which in this case is 6:22-CR-00181-ADA, and said payments shall be sent to:

**United States Attorney's Office
Attn: Asset Forfeiture Unit
903 San Jacinto Blvd., Suite 334
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and IT IS FURTHER

ORDERED that the United States shall, at its option, be entitled to the forfeiture of any other property (substitute assets) owned by Defendant LABANDA LOYD equivalent to the value of the Subject Money Judgment; and IT IS FURTHER

ORDERED that at the time of the sentencing of Defendant LABANDA LOYD, the forfeiture of the Subject Money Judgment shall be included in her Judgment in a Criminal Case.

IT IS SO ORDERED.

SIGNED this ____ day of _____, 2023.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE